

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
RENO, NEVADA

TIMOTHY WEBB,  
Plaintiff,

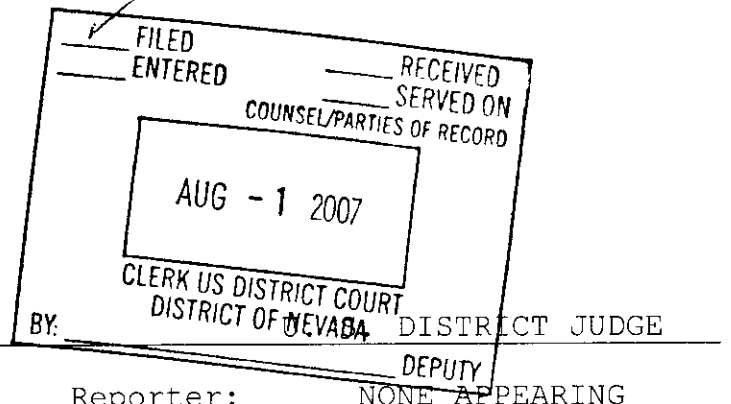
vs.

GLEN WHORTON, DOROTHY NASH-HOLMES,  
REV. JANE FORAKER-THOMPSON,  
DWIGHT NEVEN, ISIDRO BACA, CLAUDE  
WILLIS, and FR. DAVE CASALEGGIO,  
Defendants.

3:06-CV-00473-ECR-VPC

MINUTES OF THE COURT

DATE: August 1, 2007



PRESENT: EDWARD C. REED, JR.

Deputy Clerk: COLLEEN LARSEN

Reporter: NONE APPEARING

Counsel for Plaintiff(s)

NONE APPEARING

Counsel for Defendant(s)

NONE APPEARING

MINUTE ORDER IN CHAMBERS

**IT IS HEREBY ORDERED** that Defendants' Objection (#33) to the Magistrate Judge's Report and Recommendation (#32) is **OVERRULED**. The Magistrate Judge's well reasoned Report and Recommendation is **ADOPTED**.

The motion to dismiss (#20), construed as a motion for summary judgment, is **GRANTED** in part and **DENIED** in part as stated in the Report and Recommendation.

The primary relief Plaintiff Webb seeks in his Complaint (#9) is prospective injunctive relief. Indeed, he makes no explicit claim for damages. The defense of qualified immunity does not apply to such an action. We also note that the bulk of Defendants' arguments with respect to qualified immunity and RLUIPA are improperly raised for the first time in Defendants' Objection (#33). Should damages become an issue in this litigation, Defendants will not be precluded from raising the defense of qualified immunity by appropriate motion. We will not address the arguments that qualified immunity is applicable in this case further at this time.

LANCE S. WILSON, CLERK

By /s/  
Deputy Clerk